

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: COLOPLAST CORP.,
PELVIC SUPPORT SYSTEMS
PRODUCT LIABILITY LITIGATION

MDL No. 2387

THIS ORDER APPLIES TO THE FOLLOWING CASES:

Maricel Nunez v. Coloplast Corp.
Denise Dahms v. Coloplast Corp.

Case No.: 2:18-cv-00608
Case No.: 2:18-cv-00607

MEMORANDUM OPINION and ORDER SEALING DOCUMENTS

Pending before the Court are Plaintiffs' Motions to Seal Plaintiffs' Emergency Motions for Entry of Protective Order and Memorandum in Support,¹ requesting that the Emergency Motions for Entry of Protective Order and the attached exhibits be sealed. Plaintiffs argue that the Emergency Motions for Entry of Protective Order and the attached exhibits contain information that is confidential and otherwise unavailable to the public.

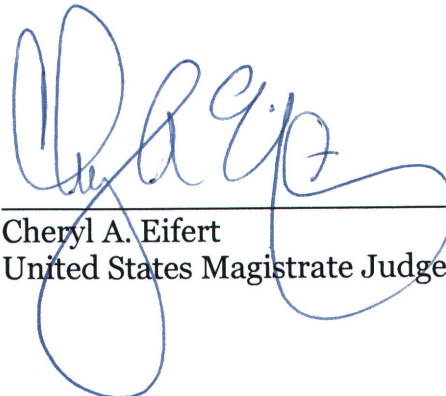
Given that Plaintiffs' Emergency Motions for Protective Order and the attached exhibits are not dispositive in nature, and given that the emergency motions have not yet been addressed by the Court and the parties, the Court **GRANTS** the Motions to Seal and **ORDERS** that Plaintiffs' Motions to Seal Plaintiffs' Emergency Motions for Entry of Protective Order and Memorandum in Support; Plaintiffs' Emergency Motions for Entry of Protective Order; and the attached exhibits be sealed. (*Nunez* at ECF Nos. 32 through 32-8; and *Dahms* at ECF Nos. 39 through 39-8). The undersigned is cognizant of the well-

¹ ECF No. 32 in *Nunez*, Case No. 2:18-cv-608; ECF No. 39 in *Dahms*, Case No. 2:18-cv-607.

established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Plaintiffs' Motion to Seal Plaintiffs' Emergency Motions for Entry of Protective Order and Memorandum in Support; Plaintiffs' Emergency Motions for Entry of Protective Order; and attached exhibits shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the confidential nature of the information, and the format on which the information is contained, no such alternatives are feasible at this time. Moreover, the public's right to be informed regarding the particulars of these motions for protective order is outweighed by the interests of the parties in having confidential information protected from inappropriate disclosure. Accordingly, the Court finds that sealing the aforementioned materials does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to counsel of record and to any unrepresented party.

ENTERED: July 15, 2019



Cheryl A. Eifert
United States Magistrate Judge